UNITED STATES PATENT AND TRADEMARK OFFICE

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10/520,649	08/30/2005	Hiroaki Momose	NGBCP008	5195

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

PTOL-90A (Rev. 04/07)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _07 January 2005_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-17_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-17_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _7/3/06_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

1.   This action is responsive to communications: the application filed on 1/7/05, and

the IDSs filed on 7/3/06.

2.   Claims 1-17 are pending in the case. Claims 1-17 are independent claims.

Claim Rejections - 35 USC § 112

3.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

4.   Claims 1, 3, 4 are rejected under 35 U.S.C. 112, second paragraph, as being

indefinite for failing to particularly point out and distinctly claim the subject matter which

applicant regards as the invention.

Regarding independent claim 1, it is unclear that "the file" (line 4) refers to a selected

file or an electronic file.

Regarding independent claim 3, it is unclear that "the file" within the phrase "analyzing a

package file into which a selected file and a file related to *the file* are packaged as a

single file, as the selected file and the file related to *the file*" can refer to a selected file

or an electronic file.

It appears that "the file" refers to the selected file since the selected file and the related

file to the selected file are elements of the package.   It is suggested that Applicants

replace "the file" with "the selected file" to have a clear meaning of the claim if this interpretation is correct.

Regarding independent claim 4, it is not clear whether the claim is in independent or dependent form. At first, the claim appears in the independent form. However, by claiming that "manipulating a file using a method as claimed in claim 1", the claim is dependent on claim 1 which means in dependent form. Applicants is requested to claim clearly the manipulating limitation since it is not certain how the packaging and unpackaging features as in claim 1 is used to manipulate a file.

Claim Rejections - 35 USC § 101

5.　　35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6.　　Claims 4-6, 9, 13, 15-16 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claims 4, 5, 9, are directed to layout edit apparatuses. However, none of claimed elements of these apparatuses is a physical part of a device, so that they constitute part of a device or a combination of devices to be machine within the meaning of 101. Instead, the claimed elements of these apparatuses are merely software per se. Therefore, the claims fail to fall within a statutory category.

Claims 13 and 15 are directed to display data processing apparatuses whose claimed

elements are also merely software per se. Claims 13 and 15 fail to fall within a statutory

category as the same reason as in claims 4, 5, 9 above.

Claim 16 is directed to a file data structure characterized by a first area, a second area,

and a third area. Such a file data structure clearly is not a process performing steps, a

machine, a manufacture, and a composition of matter. Claim 16, therefore, fails to fall

within a statutory category.

Claim Rejections - 35 USC § 102

7.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8.   Claims 1-7, 10-15, 17 are rejected under 35 U.S.C. 102(b) as being anticipated

by Anderson et al. (6,839,059, 1/4/05, filed 8/31/00).

Regarding independent claim 1, Anderson discloses:

- packaging a selected file and at least on related file related to the file into a single

   file (col 7, lines 6-50, col 15, lines 1-24: each file in the directory is selected for

   packaging into a single file and the package information as well as the external

   files needed to be included in the presentation is data related to the file)

- unpackaging the package provided by packaging the files into the selected file

  and the related file (col 15, lines 1-24, 44-64)

Regarding independent claim 2, Anderson discloses:

- packaging a selected file and at least on related file related to the file into a single

  file (col 7, lines 6-50, col 15, lines 1-24)

Regarding independent claim 3, Anderson discloses:

- analyzing a package file into which a selected file and a file related to the file are

  packaged as a single file, as the selected file and the file related to the file (col 8,

  line 35 to col 9, line 15: unpackaging the package into files therein implies that

  the package file is analyzed to be in separate file)

Regarding independent claim 4, Anderson discloses:

- placing at least one image and at least one merge image area into which an

  image can be merged and editing the layout (col 6, lines 1-49: insert image and

  text into a template where the template contains information relating to the layout

  and formatting information shows image data is placed in a area merging of

  different data, and so the template is edited with merged data)

- manipulating a file using a method of claim 1 (col 7, lines 6-50, col 15, lines 1-

  24:files are selected to be packaged and unpackaged)

- adopting an information file containing information concerning placement of the

    image and the image area in the layout created and information concerning an

    image file used with the layout as the selected file and at least one file used with

    the layout as the related file (col 6, lines 12-50)

Regarding independent claim 5, Anderson discloses:

- placing at least one image and at least one merge image area into which an

    image can be merged and editing the layout (col 6, lines 1-49: insert image and

    text into a template where the template contains information relating to the layout

    and formatting information shows image data is placed in a area merging of

    different data, and so the template is edited with merged data)

- outputting an information file containing information concerning placement of the

    image and image area in the layout created and information concerning an image

    file used with the layout and at least one file used with the layout as a single

    package file (col 7, lines 6-50)

Regarding independent claim 7 (and its corresponding system claim 6), Anderson

discloses:

- packaging the digital image file and the layout definition file into a single package

    file and outputting the single package file, thereby outputting the digital image file

    and the layout definition file (figure 4, col 5, line 35 to col 6, line 26: write block

and package information to output file, which is the package file, where data

includes image and text and how to arrange these objects on a presentation)

- inputting the output package file and acquiring the digital image file and the

    layout definition file from the input package file (col 8, line 29 to col 9, line 15:

    unpackaging the package to restore the files in the package)

Regarding independent claim 10 (and its corresponding apparatus claim 11), Anderson

discloses:

- storing files making up a template (figure 3, col 6, lines 1-58: data of the playlist

    objects is stored in memory for retrieving to be inserted to the template)

- selecting an image element to be merged into the template (figure 3, col 6, lines

    27--67))

- converting the files making up the template and a user file representing the

    image element selected in said selection step into a single file and outputting the

    file (col 6, line 50 to col 7, line 30)

Regarding independent claim 12 (and its corresponding apparatus claim 13), Anderson

discloses:

- converting a content file representing an image element and a layout control file

    for controlling representing an image element and a layout control file for

    controlling a layout of the image element into a single file and outputting the file

    (col 6, line 50 to col 7, line 30)

- storing use limitation data to permit or inhibit individual use of content data

   contained in the package file representing the image element or layout control

   data contained in the package file for controlling the layout of the image element

   in the package file (col 9, line 60 to col 10, line 6: the package information is

   verified for allowing to access the package shows that the package information is

   stored for permitting or inhibiting a user's access to the package)

Regarding independent claim 14 (and its corresponding apparatus claim 15), Anderson

discloses:

- storing use limitation data representing an image element, layout control data for

   controlling a layout of the image element, and use limitation data and displaying

   the content data under the control of the layout control data (col 9, line 60 to col

   10, line 6: the package information is verified for allowing to access the package

   shows that the package information is stored for permitting or inhibiting a user's

   access to the package)

- reading the package file and using the content data or the layout control data

   individually (col 8, lines 35-67: unpackaging a package implies reading all the

   files included in the package)

Regarding independent claim 17, Anderson discloses:

- distributing a package file recording content data representing an image element,

   layout control data for controlling a layout of the image element, and use

limitation data to a reception terminal through a network (col 8, lines 29-59, col 6,

lines 1-49: transferring the package presentation to one or more recipients in

various ways over the network where data in the package includes image and

information of the layout of images)

- storing identification information proper to the reception terminal in the package

    file in response to distribution of the package file (col 7, lines 6-18, col 8, lines 49-

    59: identification information of the package is stored during the packaging

    process)

- making a comparison between information proper to a use terminal and the

    identification information stored in the package file and permitting or inhibiting

    use of the content data or the layout control data contained in the package file by

    the use terminal in response to the comparison result (col 9, line 60 to col 10, line

    6: verify the identification information before transmitting the package to a

    destination implies the information comparison for the validity of information)

Claim Rejections - 35 USC § 103

9.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

10.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

11.   Claims 8-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Anderson et al. (6,839,059, 1/4/05, filed 8/31/00).

Regarding independent claim 8 (and its corresponding apparatus claim 9), Anderson

discloses:

- converting a content file representing all image elements laid out in the

   predetermined area and a layout control file for controlling the layout of all image

   element laid out in the predetermined area into a single package file and

   outputting the package file (col 7, lines 6-62, col 5, line 35 to col 6, line 49:

   packaging data into a single file where the data includes text, image, and their

   corresponding tags which control how the data is displayed)

Anderson does not explicitly disclose:

- accepting a command to edit a layout of an image element in a predetermined

   area on a screen

- editing a layout control file for controlling the layout of the image element based

   on the command accepted in said user interface step

However, it would have been obvious to an ordinary skill at the time of the invention was

made to modify Anderson to include the editing step since it was well known to edit the

tags controlling the layout of the image element on a user interface. Such editing of

layout of image elements would provide the flexibility of arranging all elements on a

document to users.

Conclusion

12.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Ims (US 6,560,618).

Schreiber et al. (US 2001/0000359).   Yonaitis (US 2001/0047365).

Broussard et al. (US 2004/0003011).   Menschik et al. (US 2004/0034550).

Conning (US 2004/0250205).   Menschik et al. (US 2005/0027995).

Fisher et al. (US 2005/0034121).   Slack-Smith (US 2005/0039116).

Laxminarayan et al. (US 2006/0136897).   Chrin et al. (US 2007/0288494).

Oh et al., Image-based Modeling and Photo Editing, ACM 2001, pages 433-442.

13.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to CONG-LAC HUYNH whose telephone number is

(571)272-4125. The examiner can normally be reached on Mon-Fri (9:00-7:00).

        If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Cong-Lac Huynh/
Primary Examiner, Art Unit 2178
3/14/08